

FILED
6/16/22
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U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re: : Case No. 21-21546-GLT
:
ERLE W. PATTERSON, JR., : Related to Dkt. No. 41
:
Debtor. :
:
:

**ORDER CONVERTING CASE UNDER CHAPTER 13 TO
CASE UNDER CHAPTER 7, SETTING DEADLINES, SCHEDULING
STATUS CONFERENCE, AND TERMINATING WAGE ATTACHMENT**

The Trustee made an oral motion to convert this chapter 13 case in accordance with 11 U.S.C. § 1307(a) to a case under chapter 7 of title 11 of the U.S. Code at the proceeding held on June 15, 2022.

Based upon the foregoing, it hereby is **ORDERED, ADJUDGED, and DECREED** that:

1. On or before July 14, 2022, any party-in-interest who challenges whether the conversion is sought in good faith shall file a motion setting forth the basis of the challenge and specifically identifying the relief requested.

2. The wage attachment issued in this case are immediately terminated. The Debtor shall serve a copy of this order on the employer.

3. On or before **June 30, 2022**, the Debtor shall file a schedule of all unpaid debts incurred after the commencement of the chapter 13 case and before conversion as required by FED. R. BANKR. P. 1019(5)(B)(i).

4. On or before **June 30, 2022** the Debtor shall file the statements and schedules required by FED. R. BANKR. P. 1019(1)(A) and 1007(b), if such documents have not already been filed.

5. On or before **July 18, 2022** the Debtor shall file a statement of intention with respect to the retention or surrender of estate property securing a debt, as required by 11 U.S.C. § 521(a)(2) and FED. R. BANKR. P. 1019(1)(B) and conforming to Official Form 8.

6. The chapter 13 trustee shall immediately turn over to the chapter 7 trustee all records and property of the estate remaining in her custody and control, as required by FED. R. BANKR. P. 1019(4), except that any remaining funds that do not constitute property of the chapter 7 estate shall be returned to the Debtor.

7. On or before **August 16, 2022**, the chapter 13 trustee shall file an accounting of all receipts and distributions made using UST Form 13-FR-S: Chapter 13 Trustee's Final Report

and Account. Once she has done so, the chapter 13 trustee is discharged from her duties in this case. The Court retains jurisdiction over the final report and account.

8. If the case is converted after the confirmation of a plan, then on or before **July 18, 2022** the Debtor shall file:

- a. A schedule of all property not listed in the final report and account of the chapter 13 trustee which was acquired after the commencement of the chapter 13 case but before the entry of this conversion order, as required by FED. R. BANKR. P. 1019(5)(C)(i);
- b. A schedule of unpaid debts not listed in the chapter 13 trustee's final report and account, as required by FED. R. BANKR. P. 1019(5)(C)(ii). The schedule shall be filed by entering additional claimants into the CM/ECF system via "Creditor Maintenance." A list of said claimants shall be attached to the FED. R. BANKR. P. 1019 Report; and,
- c. A schedule of executory contracts and unexpired leases entered into or assumed after the commencement of the chapter 13 case but before the entry of this conversion order, as required by FED. R. BANKR. P. 1019(5)(C)(iii).

9. If the Debtor fails to timely file the documents required by this *Order* and FED. R. BANKR. P. 1019, a status conference shall be held on **August 9, 2022 at 1:30 pm** before Judge Gregory L. Taddonio in Courtroom A, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, Pennsylvania 15219. In accordance with Judge Taddonio's procedures, parties may appear for non-evidentiary matters remotely by utilizing the Zoom video conference platform. Parties seeking to appear remotely must register for the hearing by submitting a registration form via the link published on Judge Taddonio's website (which can be found at <http://www.pawb.uscourts.gov/judge-taddonios-video-conference-hearing-information>) by no later than **4 p.m. on the business day prior** to the scheduled hearing. All parties participating remotely shall comply with Judge Taddonio's General Procedures, (which can be found at <http://www.pawb.uscourts.gov/sites/default/files/pdfs/glt-proc.pdf>) to determine whether additional measures are necessary to compel compliance.

10. The Clerk of Court shall send the notice required by FED. R. BANKR. P. 1019(6). If the report and schedules per paragraphs 3, 8(b), and 8(c) of this *Order* are filed in time for the Clerk to include postpetition creditors in the Section 341 notice mailing, the Clerk shall include them in that mailing. Otherwise, the Clerk shall send the notice required by FED. R. BANKR. P. 1019(6) **within ten days of the filing of the report and schedules**.

11. On or before **July 29, 2022** all chapter 13 fee petitions by any professional shall be filed. Any fee petition shall be captioned "Chapter 13 Fee Petition in Converted Case," and its hearing shall be self-scheduled on Judge Taddonio's chapter 13 motions calendar.

12. On or before **June 23, 2022** counsel for the Debtor shall serve a copy of this *Order* on all creditors in the case and file a Certificate of Service.

Dated: 6/16/22



GREGORY J. TADDONE, ^{Act}
UNITED STATES BANKRUPTCY JUDGE

Case administrator to mail to:
Debtor

In re:
Erle W. Patterson, Jr.
Debtor

Case No. 21-21546-GLT
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jun 16, 2022

User: auto
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 18, 2022:

| Recip ID | Recipient Name and Address |
|----------|---|
| db | + Erle W. Patterson, Jr., 1022 Beechnut Street, Tarentum, PA 15084-2102 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 18, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 16, 2022 at the address(es) listed below:

| Name | Email Address |
|-------------------------------------|--|
| Brian Nicholas | on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing bnicholas@kmlawgroup.com |
| Brian Nicholas | on behalf of Creditor PNC Bank National Association bnicholas@kmlawgroup.com |
| Charles Griffin Wohlrab | on behalf of Creditor US Bank Trust National Association not in its individual capacity but solely as Owner Trustee for VRMTG Asset Trust cwohrlab@raslg.com |
| Natalie Lutz Cardiello | ncardiello@cardiello-law.com ncardiello@ecf.axosfs.com |
| Office of the United States Trustee | ustpregion03.pi.ecf@usdoj.gov |
| Ronda J. Winnecour | cmecf@chapter13trusteedpa.com |

District/off: 0315-2

User: auto

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Date Rcvd: Jun 16, 2022

Form ID: pdf900

Total Noticed: 1

Russell A. Burdelski

on behalf of Debtor Erle W. Patterson Jr. Russ@BurdelskiLaw.com, russ.burdelski@gmail.com

TOTAL: 7